

TRIAL RECORD/ORDER

**In the Provincial Court of British Columbia, Canada
(Small Claims Court)**

REGISTRY FILE NUMBER:

1135247

COURTROOM
106

REGISTRY LOCATION:

Before Judge

Gardini

on Jan. 30, 2013 clerk JL

In the case between

Cavalier Financial & Management INC.

CLAIMANT(S)

and

image Mobile Technologies Corp.

DEFENDANT(S)

Appearances		Claimant(s)	Defendant(s)	Defendant(s)/Third Party
		<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <i>Cavaliere R.</i>	<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <i>Irvine S.</i>	<input type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative
		<input type="checkbox"/> PA <input type="checkbox"/> NA (President)	<input type="checkbox"/> PA <input type="checkbox"/> NA	<input type="checkbox"/> PA <input type="checkbox"/> NA
Order	<input type="checkbox"/> By Consent <input type="checkbox"/> Granted <input type="checkbox"/> Dismissed <input type="checkbox"/> Cancelled <input type="checkbox"/> Not heard			
Warrants	<input type="checkbox"/> Warrant of Arrest <input type="checkbox"/> Warrant of Imprisonment for		days	Name of person to be arrested/imprisoned
Adjournment	For a <input type="checkbox"/> Trial <input type="checkbox"/> Settlement Conference <input type="checkbox"/> Payment Hearing <input type="checkbox"/> Default Hearing		On <input type="text"/> date <input type="text"/> at <input type="text"/> time AM / PM	<input type="checkbox"/> or to a date to be set by the court.
			Number of Witnesses <input type="text"/> Claimant <input type="text"/> Defendant <input type="text"/> Expert	
			Estimated time required <input type="text"/> hours	
Payment Order	For \$ + + =		Awarded to <input type="checkbox"/> Claimant <input type="checkbox"/> Defendant Contractual Interest at <input type="text"/> % per annum Court Order calculated from Expenses <input type="checkbox"/> to be assessed by the registrar	<input type="text"/> date
Payment Schedule	Payment <input type="checkbox"/> Immediate <input type="checkbox"/> Schedule			
Terms:	\$ <input type="text"/> on <input type="text"/>		and <input type="text"/> \$ <input type="text"/>	
	on <input type="text"/> of each month until the amount is paid or another order is made by the court.			
Other Orders	<i>Judgment to the claimant in the amount of \$4975.00 plus service + filing fees of \$236.00, no court-ordered interest.</i>			
	<i>Please see attached Addendum</i>			
	<input type="checkbox"/> see attachment for continuation of order			

Judgment to the claimant in the amount of \$4975.00 plus service + filing fees of \$236.00, no court-ordered interest.

Please see attached addendum

see attachment for continuation of order

Total from Court \$ 4975.00
Interest % as noted above
Expenses
Total awarded \$ 5211.00

File ROB-P-C 11 - 38247 Vancouver Registry

Cavaliere Financial & Management Inc. v. Imogo Mobile Technologies Corp.

Addendum to Trial Record/Order dated Jan 30, 2013

In giving my verbal reasons for judgment on January 30, 2013, I did not specifically address the counterclaim for breach of contract made by the defendant in its Reply filed January 3, 2012. Further, I did not mention the counterclaim in the Trial Record/Order signed at the end of the trial.

Mr. Stewart Irvine, acting for the defendant, did not specifically raise the counterclaim in his summation. At one point, in the course of hearing further submissions from the parties regarding the calculation of damages for the claimant, the counterclaim was mentioned. However, after listening to the court recording, it is not clear whether the parties appreciated that it was my intention to dismiss the counterclaim. As I did not directly and expressly address the counterclaim in my order I have prepared this Addendum to be mailed to the parties to the address recorded on the Notice of Claim and the Reply. If the parties wish to address the court on this point they must contact the Registry in writing within 28 days of the date of mailing.

TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada
(Small Claims Court)

DT 05	
REGISTRY FILE NUMBER: 1138247	
COURTROOM 104	REGISTRY LOCATION: ASPC

Before Judge

W. J. Irvin

on Jan 24/13, clerk

In the case
between

Cavaliere Financial + management Inc., CLAIMANT(S)

and

Image Mobile Technologies Corp., DEFENDANT(S)

Claimant(s)	Defendant(s)	Defendant(s)/Third Party
<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <u>R. Cavaliere</u>	<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <u>S. Irvine</u>	<input type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative
<input type="checkbox"/> PA <input type="checkbox"/> NA (pres.)	<input type="checkbox"/> PA <input type="checkbox"/> NA (pres.)	<input type="checkbox"/> PA <input type="checkbox"/> NA

Appearances Order Warrants

By Consent Granted Dismissed Cancelled Not heard

Warrant of Arrest Warrant of Imprisonment for [] days

Name of person to be arrested/imprisoned

Adjournment	For a	<input type="checkbox"/> Trial <input type="checkbox"/> Settlement Conference <input type="checkbox"/> Payment Hearing <input type="checkbox"/> Default Hearing	On [] date	at [] time AM / PM	<input type="checkbox"/> or to a date to be set by the court.
			Number of Witnesses	Claimant Defendant Expert	
			Estimated time required	[] hours	
Payment Order	For	\$ []	Awarded to	<input type="checkbox"/> Claimant <input type="checkbox"/> Defendant	
		+ []	<input type="checkbox"/> Contractual <input type="checkbox"/> Court Order	Interest at [] % per annum calculated from [] date	
		+ []	Expenses	<input type="checkbox"/> to be assessed by the registrar	
		= []	Total to be paid		

Payment Schedule

Payment Immediate Schedule

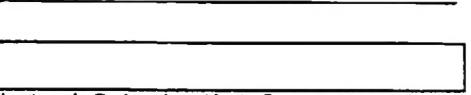
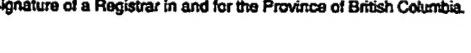
Terms: \$ [] on [] and \$ []

on [] of each month until the amount is paid or another order is made by the court.

Other Orders

Adjourn to try to set new trial date
(~~Adjourn to see if there~~
is a judge available to hear
the trial + if not to set
a new trial date. This trial
was adjourned for lack of court
time + JFC met to [] see attachment for continuation of order

Total from Court

For	\$ []	Interest Interest % as noted above	
		Expenses []	
		Total awarded []	

Trial Conference Record

In the Provincial Court of British Columbia
(Small Claims Court)

DT 45 mins.

REGISTRY FILE NUMBER:

1138247

COURTROOM 114.

REGISTRY LOCATION:

RSPC

BEFORE JUDGE

J. Weller

Telephone Video

on 15 July 2012

day

month

year

clerk AF Purdy

APPEARANCES

Claimant(s)	L'Avalliere Financial + Management INC	<input type="checkbox"/> PA <input type="checkbox"/> NA	Counsel <input type="checkbox"/> Representative <input checked="" type="checkbox"/> Interpreter
Defendant(s)	Image Mobile Technologies Corp	<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA	Renato Cavaliere (rep)
		<input type="checkbox"/> PA <input checked="" type="checkbox"/> NA	Crystal Comley (rep)
		<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA	Mackni, D. (c)
		<input type="checkbox"/> PA <input type="checkbox"/> NA	Stewart Irvine (rep)
Defendant(s)/Third party(ies)		<input type="checkbox"/> PA <input type="checkbox"/> NA	Counsel <input type="checkbox"/> Representative <input type="checkbox"/> Interpreter
		<input type="checkbox"/> PA <input type="checkbox"/> NA	

<input type="checkbox"/> PAYMENT ORDER	<input type="checkbox"/> DISMISSAL ORDER	<input type="checkbox"/> Rule 7.5(18) (no appearance by claimant)
<input type="checkbox"/> By Agreement		<input type="checkbox"/> Rule 7.5(14)(i)

By Default

For \$ _____ To Claimant Defendant
+ Interest at % per annum calculated from _____
+ Expenses to be assessed by the registrar to _____
= TOTAL

day month year

After discussion with the parties and review of the filed documents, the

is dismissed because it;

- is without reasonable grounds
- discloses no triable issue
- is frivolous or
- is an abuse of the court's process

Payment Immediate Schedule

Terms/other orders: (if more space is required add page and check box Defendant advised of Rule 20(5))
re: Counterclaim. ~~Defendant~~ Parties at liberty to file and serve and list of witness to add documents by Aug 3, 2012.

*Parties advised of Offer to Settle Rule *

ADJOURNMENT for a Application/referral to Court Trial Payment Hearing
 Trial Conference Other
on day month year at time am pm * JFW not to 1 YEAR TRIAL
or Date to be fixed by registry (notice to be sent to all parties).

Number of witnesses 1-3 Claimant 3 Defendant Third Party Expert Translator
Estimated time required 2 Hours Days (party to arrange)

Agreed facts and outstanding issues: (if more space is required add page and check box)

DOCUMENT EXCHANGE ORDER

The parties must exchange a copy of a completed or revised Trial Statement and attachments
 all documents listed on the attached page

by date and bring 2 copies to the next court appearance

All parties must exchange any case law they intend to use by at least one week before trial.

DISCLOSURE OF EVIDENCE ORDER

Each party must provide each other party with the name, address and telephone number and a summary of evidence of all witnesses the party intends to call as a witness at trial, including any expert witness by date

Claimant's signature

Defendant's signature

Third Party's Signature

Judge's signature

Mediation Session Record

In the Provincial Court of British Columbia
(Small Claims Court)

REGISTRY FILE NUMBER:

11-38247

MEDIATION
ROOM
117

REGISTRY LOCATION:
Vancouver

START
09:30
AM / PM

FINISH
11:30
AM / PM

MEDIATOR:

Karen Bourgeault

Telephone Video

on **21**
day **02**
month **12**
year

APPEARANCES

Claimant(s) **Cavaliere Financial & Management Inc.**

PA NA

Renato Cavaliere (R)

Counsel / Representative / Interpreter
Telephone / Video

PA NA

Crystal Conley (R)

Telephone Video

PA NA

Defendant(s) **Imogo Mobile Technologies Corp.**

PA NA

Stewart Irvine (R)

Counsel / Representative / Interpreter
Telephone / Video

PA NA

David Mondani (C)

Telephone Video

PA NA

Defendant(s)/Third party(es)

PA NA

Counsel / Representative / Interpreter
Telephone / Video

Telephone Video

PA NA

If the parties came to a partial settlement, list the issues which remain outstanding:
(List issues by name of document and corresponding number on court list)

ALL